

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION**

**UNITED STATES OF AMERICA**

**Plaintiff,**

**v.**

**CASE NUMBER: 2:06-CR-63**

**VIKRAM S. BUDDHI**

**Defendant.**

**MOTION TO CONTINUE SENTENCING**

Comes now defendant, Vikram S. Buddhi, by counsel, John E. Martin, and requests this Honorable Court to continue the sentencing hearing set for December 3, 2008 at 9:30 a.m. In support of this motion, the defense states as follows:

1. In the Presentence Report, the probation officer indicated “currently, the Secret Service is in the process of contacting appropriate White House officials regarding a victim impact statement.”
2. As of November 26, 2008, the defense had not received any official victim impact statement.
3. On November 26, 2008, counsel for the defense contacted counsel for the government concerning the victim impact statement and was informed by counsel for the government that there would be no victim impact statement. However, the government indicated that it would be presenting evidence through a United States Secret Service Agent at the sentencing hearing concerning the investigation by the Secret Service of the alleged threats.

4. Because Federal Rule of Criminal Procedure (FRCP) 32 requires that the Presentence Report must contain “verified information, stated in a non-argumentative style, that assesses the financial, social, psychological, and medical impact on any individual against whom the offense has been committed” FRCP 32(d)(2)(b); and because the Presentence Report assesses a six level increase pursuant to U.S.S.G. § 3A1.2(b) VICTIM RELATED ADJUSTMENT, the defense requests a continuance of the sentencing hearing currently set for December 3, 2008 to properly research the assessing of victim related adjustments in the absence of a victim impact statement and/or full compliance with FRCP 32(d)(2)(b). As well as possible objections to the government presenting evidence concerning the investigation by the Secret Service absent a victim impact statement.
5. Counsel for the defense has discussed the need for this continuance with counsel for the government and, although counsel for the government disagrees with the defense’s legal position, counsel for the government has no objection to the continuance.
6. Counsel for the defense has discussed the need for this continuance with the defendant and the defendant is in agreement with a continuance.

WHEREFORE, the defense requests this Honorable Court to continue the sentencing hearing currently set for December 3, 2008 for a period of thirty (30) days.

Respectfully submitted,

Northern District of Indiana  
Federal Community Defenders, Inc.

By: S/John E. Martin  
John E. Martin  
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**CERTIFICATE OF SERVICE**

I hereby certify that on November 26, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Philip Craig Benson - AUSA  
philip.benson@usdoj.gov

and I hereby certify that I have mailed the document by U.S. Postal Service to the following non CM/ECF participants:

S/John E. Martin